

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

January 18, 1996

Business Meeting

MINUTES

The Board of Education and the Board of Vocational Education met for the regular business meeting in Conference Rooms C and D of the James Monroe Building in Richmond, Virginia, on Thursday, January 18, 1996, with the following members present:

Senator James P. Jones, President	Mrs. Martha V. Pennino
Ms. Michelle Easton, Vice President	Mrs. Lil Tuttle
Mr. Peter G. Decker, Jr.	Mr. R. Lee Ware
Mr. Rayford L. Harris, Sr.	Mr. Alan L. Wurtzel
	Mrs. Cheri P. Yecke

Dr. William C. Bosher, Jr.
Secretary and
Superintendent of
Public Instruction

Senator Jones, president, presided and called the meeting to order at 9:15 a.m.

Approval of Minutes

Mr. Harris made a motion for approval of the minutes of the meeting of November 15-16, 1995. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Ms. Easton and carried. Mr. Ware abstained due to his absence from the November meeting.

Approval of Agenda

The motion was made by Mr. Wurtzel, seconded by Mr. Ware, and carried unanimously for approval of the agenda as submitted.

Consent Agenda

Mrs. Pennino made a motion to adopt the following items on the consent agenda:

Final Review of Financial Report on Literary Fund
Final Review of Recommendations Concerning Applications for
Literary Fund Loans
Final Review of Recommendations Concerning Release of Literary
Fund Loans or Placement on Waiting
List

The motion was seconded by Mr. Harris and carried unanimously.

Final Review of Financial Report on Literary Fund

The Superintendent's recommendation for approval of the financial report on the status of the Literary Fund, as of November 30, 1995, was accepted by the Board of Education's vote on the consent agenda.

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Superintendent's recommendation for approval of the applications for Literary Fund Loans for the following projects was accepted by the Board of Education's vote on the consent agenda, subject to approval of final plans (Section 22.1-140 of the Code of Virginia) and availability of funds:

County, City or Town	School	Amount
Galax City	Galax Middle	\$ 2,122,100
Roanoke county	Fort Lewis Elementary	1,300,000
Franklin County	Boones Mill Elementary	1,029,000
Franklin County	Dudley Elementary	539,000
Franklin County	Ferrum Elementary	967,000
Franklin County	Glade Spring Elementary	988,000
Franklin County	Sontag Elementary	1,072,000
Westmoreland County	Washington District Elem.	1,000,000
Westmoreland County	Cople Elementary	700,000
Westmoreland County	Montross Elem/Middle	3,300,000
Virginia Beach City	Corporate Landing Middle	\$ 5,000,000
		\$18,017,100

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on the Waiting List

The Superintendent's recommendation that funds be released for the following projects, was approved by the Board of Education's vote on the consent agenda:

County, City or Town	School	Amount
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None

Waiting List

The Superintendent's recommendation that initial release/commitment of Literary Funds be deferred for the following projects, due to non-availability of Literary Fund cash, was approved by the Board of Education's vote on the consent agenda:

First Priority Waiting List

County, City or Town	School	Amount
Galax City	Galax Middle	\$2,122,100
Roanoke County	Fort Lewis Elementary	1,300,000
Franklin County	Boones Mill Elementary	1,029,000
Franklin County	Dudley Elementary	539,000
Franklin County	Ferrum Elementary	967,000
Franklin County	Glade Spring Elementary	988,000
Franklin County	Sontag Elementary	1,072,000
Westmoreland County	Washington District Elem.	1,000,000
Westmoreland County	Cople Elementary	700,000
Westmoreland County	Montross Elem/Middle	3,300,000
Virginia Beach	Corporate Landing	5,000,000

Public Comment

The following persons spoke during the public comment period:

Sissie Chappell	Mary Willetts
Rob Jones	Marisa Brown
Delegate Joe T. May	

Mr. Wurtzel asked that the Department of Education staff prepare a resolution regarding a proposal to consolidate the Virginia Schools for the Deaf and Blind.

Discussion of Current Issues

Mrs. Pennino noted that this might be her last meeting as a member of the Board of Education. She expressed appreciation to Dr. Bosher and the Department of Education staff for their excellent work during the last four years. She also expressed her pleasure at working with the Board members.

Mr. Wurtzel stated that he wished to echo Mrs. Pennino's remarks. He feels that the Board of Education has made outstanding contributions to education in Virginia.

Overview of Governor=s Budget Proposal

Mrs. Kathy Kitchen reviewed the Governor=s 1996-98 budget proposal. She reported that the operating budget recommendations provide about \$1.4 billion in spending increases above the level necessary to continue FY96 workloads and costs. More than 40 percent of the new general fund spending is provided for K-12 education.

Board members commended the Governor for outstanding effort in proposing an increase in the education budget.

**Extension of Virginia Beach City School Board=s Timeline for
Appointing a New Superintendent**

Senator Jones reported that Virginia Beach City School Board requested an extension of the timeline for appointing a new superintendent. Virginia Beach has reached agreement for a new superintendent. Section 22.1-60 of the Code of Virginia requires that a superintendent be appointed within 180 days after a vacancy occurs. Since the School Board of Virginia Beach did not complete its selection process within the 180-day time period, the State Board of Education must confirm the appointment.

Mrs. Pennino made a motion to waive first review and approve the appointment of Dr. Timothy R. Jenney as superintendent of Virginia Beach City Schools. The motion, seconded by Mr. Wurtzel, carried.

**City of Fairfax Requests Permission from the Board of Education to
Employ a Part-Time Superintendent**

Senator Jones stated that the chairman of the Fairfax City School Board requested that the Board of Education grant the City of Fairfax permission to employ a part-time superintendent. Section 22.1-62 of the Code of Virginia requires the Board of Education to approve the appointment of a part-time superintendent.

The motion was made by Mr. Wurtzel and seconded by Mrs. Pennino to waive first review and approve the request of Fairfax City. The motion carried with one opposing vote.

Executive Session

Ms. Easton made a motion to go into executive session pursuant to '2.1-344.A.11 and '2.1-344.A.7 of the Code of Virginia to discuss evaluation of departments or schools of institutions of higher education and to consult with legal counsel relating to the Freedom of Information. Mrs. Pennino seconded the motion and the Board went into executive session at 11:50 a.m.

Ms. Easton made a motion, seconded by Mrs. Pennino and carried unanimously, that the Board reconvene in open session. The Board reconvened at 1:17 p.m.

Ms. Easton made a motion that the Board certify by roll call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification motion applies, and (2) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Board.

Ms. Yecke - Aye
Mrs. Tuttle - Aye
Mr. Wurtzel - Aye
Ms. Easton - Aye
Mr. Jones - Aye
Mrs. Pennino - Aye
Mr. Decker - Aye
Mr. Harris - Aye

Mr. Ware abstained from the motion but noted his concurrence with its substance.

Appointment of Nominating Committee for Board Officers

Senator Jones reported that the terms of the Officers of the Board will expire at the February meeting. He appointed a nominating committee as follows: Mr. Decker, Chairman; Mrs. Yecke, and Mr. Ware. The committee will report at the February meeting.

Consolidation of Virginia Schools for the Deaf and Blind

Mr. Wurtzel made a motion, seconded by Mr. Decker, to approve the following resolution:

WHEREAS, the Board of Education WAS REQUESTED BY THE 1995 General Assembly to review previous studies on the mission and future uses for the Virginia Schools for the Deaf and the Blind; and

WHEREAS, the Board of Education received this report at its November 16, 1995 meeting; and

WHEREAS, this report to the Board of Education summarized the findings and recommendations made in previous studies of the services and the enrollment trends at the two schools for the Deaf and Blind; and

WHEREAS, the previous studies found that the consolidation of services for students at the Staunton campus appears to be the most cost effective;

WHEREAS, the previous studies also found that the consolidation of services would strengthen the quality of the education programs offered;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education supports the transfer of all services to the Staunton campus;

BE IT FURTHER RESOLVED, that the Hampton facility be conveyed to local school authorities for use for local, regional and/or alternative programs as deemed appropriate.

Mrs. Pennino made a motion that the resolution be amended to place the consolidated facility at Hampton rather than Staunton. The motion failed for lack of a second. Ms. Easton made a substitute motion that vote be deferred until the February meeting, giving Board members an opportunity to hear from a speaker who wishes to place the consolidated school at Hampton and someone who wishes to place the consolidated school at Staunton. Mr. Decker

seconded the motion which carried. This item will be brought to the Board in February for a presentation and consideration.

Consideration of Guidance and Counseling Regulations

The motion to approve the Proposed Regulations Governing Guidance and Counseling Programs in the Public Schools of Virginia made by Ms. Easton at the September 1995 meeting of the Board of Education was placed on the floor for action.

Mr. Wurtzel made a substitute motion, seconded by Mrs. Pennino, for approval of the regulations prepared by the Board subcommittee, as follows:

WHEREAS, the Board of Education affirms that parents are a child's first teachers; they have the right to direct the care, education, and development of their children; the public schools should serve to strengthen family and parental support; and

WHEREAS, school guidance and counseling are support services designed to promote the academic mission of public education and exist primarily to aid students' academic achievement in elementary and secondary education; and

WHEREAS, the Standards of Quality require each local school board to provide pupil personnel services for grades K through 12 to aid students in their educational, social and career development; and

WHEREAS, the Board of Education has authority to promulgate regulations concerning guidance and counseling pursuant to Article VIII, Section 4 of the Constitution of Virginia and Section 22.1-116 of the Code of Virginia; and

WHEREAS, the Board of Education issued a set of proposed regulations, pursuant to the Administrative Process Act, upon which hearings were held on August 8, 1995 at five locations throughout the State; and

WHEREAS, there is evident both support for and opposition to, certain of the current guidance and counseling programs and practices throughout the Commonwealth; and

WHEREAS, the Board of Education believes that local school boards are best equipped to set policies involving the scope of guidance and counseling services for the public schools in their communities;

NOW, THEREFORE, be it resolved that the Board of Education adopts the following regulations governing school guidance and counseling programs in the public schools of Virginia:

1. Pursuant to the Standards of Quality, each school shall make reasonably available, with available resources, to all students the following guidance and counseling services;
 - a) Academic guidance, which assists students and their parents to acquire knowledge of the curricula choices available to students, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities;
 - b) Career guidance, which helps students to acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational and career opportunities;
 - c) Personal/social counseling, which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Such counseling may be provided either (i) in groups (e.g., all fifth graders) in which generic issues of social development are addressed or (ii) through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant(s) (e.g., divorce, abuse or aggressive behavior).
2. No student shall be required to participate in any counseling program to which the student's parents object.

3. On or before July 1, 1996, each local school board in Virginia shall adopt a policy, consistent with paragraphs 1 and 2 above, concerning school guidance and counseling programs in the schools under its jurisdiction. At a minimum, each local school board policy shall contain the following:
 - a) A provision for written notification, at least annually, to parents about the academic and career guidance and personal/social counseling programs which are available to their children. The notification shall include the purpose and general description of the programs, information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school and information about the procedures by which parents may limit their child's participation in such programs.
 - b) A provision prohibiting the use of counseling techniques which are beyond the scope of the professional certification or training of counselors, including hypnosis, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.
 - c) A provision requiring that information and records of personal/social counseling be kept confidential and separate from a student's educational records and not disclosed to third parties without prior parental consent or as otherwise provided by law.
 - d) A provision with respect to personal/social counseling, setting forth either (i) the procedures by which parents can elect in writing to have their child not participate (Aopt-out®) or (ii) at the option of the local school board, if the local board determines that affirmative parental consent is required to participate in such counseling (Aopt-in®), the procedures by which such affirmative consent may be given and withdrawn. In issuing such policy, the local board may distinguish between group and individual or small group counseling as defined in section 1(c). In no event shall a local board require affirmative parental consent for short duration personal/social counseling, which is needed to maintain order, discipline or a productive learning environment.
 - e) In the event that the local board elects to require affirmative parental consent (Aopt-in®) under (d) above, a provision setting forth the procedures, if any, under which school officials may permit personal/social counseling for children whom they believe would benefit from such counseling, but whose parents fail to respond either affirmatively or negatively to reasonable requests for consent.
 - f) Such other provisions as the local school board may deem appropriate.
4. Before adopting any such policy, or any amendment thereto, each local school board shall provide for public participation and comment.

Mrs. Pennino made a motion to amend sections 3(d) and 3(e) of the subcommittee-prepared regulations. Mr. Harris seconded the motion which failed on a roll-call vote of three ayes and five opposed.

Mr. Wurtzel's motion passed on the following roll-call vote of five ayes and three opposed: Mrs. Yecke (no); Mr. Ware (no); Mrs. Tuttle (no); Ms. Easton (no); Mr. Harris (yes); Mr. Wurtzel (yes); Mrs. Pennino (yes); Mr. Decker (yes); Senator Jones (yes).

Virginia State University

The motion to grant accreditation to the upper-level graduate program, School of Education of Virginia State University until October 1996, was made by Mr. Decker and seconded by Mrs. Pennino.

Mrs. Yecke made a substitute motion that the Board of Education authorize the Superintendent of Public Instruction to endorse graduates of the Virginia State University (VSU) graduate advanced level program in education, provided such graduates have completed 50 percent of the course requirements under a Board-approved program through December 31, 1995 and that the Superintendent notify VSU that any new students or those with less than 50 percent of the their course work completed before December 31, 1995 be advised in writing by VSU that the program is not an accredited program. Mr. Wurtzel seconded the motion.

After discussion, Mrs. Yecke withdrew her substitute motion and Mr. Decker's motion carried.

Dr. Boshier requested the Board of Education members to discuss, with the Department of Education staff, what is expected of VSU in October. Board members responded that VSU must meet NCATE approval by October.

Proposed Design for the SOL-Based Assessment System

Dr. Doris Redfield reviewed the process for developing the design for the SOL-based assessment system.

Dr. Boshier stated that Board members have raised a number of questions and brought a number of suggestions. He will bring, to the Board, in February a proposed design as basis for drafting a Request for Proposals to develop, administer, score, and report on assessments of Virginia's revised Standards of Learning (SOLs) and related components (i.e., K-1 tests, national norms).

Adjournment

There being no further business, Mr. Jones adjourned the meeting of the Virginia Board of Education and the Board of Vocational Education at 3:27 p.m.

President

